

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, FEBRUARY 27, 2001  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 10:10 a.m. The meeting was recessed by Mayor Murphy at 11:56 a.m. to convene the Redevelopment Agency. The meeting was reconvened by Mayor Murphy at 11:58 a.m. with all Council Members present, and Districts 6 and 8 vacant. Mayor Murphy recessed the meeting at 12:00 p.m. to be reconvened at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:06 p.m. with all Council Members present, and Districts 6 and 8 vacant. Mayor Murphy recessed the regular meeting at 3:35 p.m. to convene the Redevelopment Agency. The regular meeting was reconvened by Mayor Murphy at 4:00 p.m. with all Council Members present, and Districts 6 and 8 vacant. Mayor Murphy adjourned the meeting at 4:05 p.m. to meet immediately in Closed Session in the twelfth floor conference room to discuss existing and anticipated litigation.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council District-vacant

(7) Council Member Madaffer-present

(8) Council District-vacant

Clerk-Abdelnour (er/pr)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council District-vacant
- (7) Council Member Madaffer-present
- (8) Council District-vacant

ITEM-10: INVOCATION

Invocation was given by Director Alfred C. Van Wagenen of the Mormon Battalion Memorial Visitors Center.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Atkins.

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS:** APPROVED

Approval of Council Minutes for the meetings of:

2/5/2001

2/6/2001

**FILE LOCATION:** MINUTES

**COUNCIL ACTION:** (Tape location: A031-033.)

MOTION BY STEVENS TO APPROVE. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-31: Declaring the Year 2001 as "Black History Year in San Diego."

(See Ron Muhammad's letter.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2001-1153) ADOPTED AS RESOLUTION R-294576

Proclaiming the year 2001 to be "Black History Year" in the City of San Diego.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S  
RECOMMENDATION:**

On 02/07/2001, RULES voted 5 to 0 to declare the year 2001 as Black History Year in San Diego. (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A033-117.)

MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant,  
Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on the financing for the ballpark. He suggested that the City borrow funds from the City Employees' Pension and Retirement Plan.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A135-174.)

PUBLIC COMMENT-2:

Phil Hart stated his concerns regarding the financing of the ball park. Mr. Hart questioned where the funds would be coming from. He also questioned the increased amount that is being financed by the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A181-231.)

PUBLIC COMMENT-3:

Steve McWilliams commented on the unavailability of medical marijuana in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A232-280.)

**COUNCIL COMMENT:**

**COUNCIL COMMENT-1:**

Council Member Wear stated that today is Fat Tuesday and announced that Mardi Gras activities will be taking place in the Gas Lamp Quarter. Mr. Wear requested that the City Attorney respond to the concerns as stated by Phil Hart during non-agenda comment.

City Attorney Gwinn stated that the proposed ballpark financing is completely appropriate under the MOU.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A288-330.)

**COUNCIL COMMENT-2:**

Comment by Council Member Peters who said, "A wise man once said to have a City worthy of our affection in the year 2020, we need to have preserved our canyons, hillsides, and wildlife habitat for future generations." Council Member Peters noted that the City has received the funding for the Montana Mirador Acquisition that includes 538 acres of the southerly half of Black Mountain in Rancho Penasquitos for approximately 8 million dollars. Council Member Peters expressed a lot of time and effort went into the project from the Council, and his predecessor Mr. Mathis, as well as the County Water Authority, and the Wild Life Conservation Board who granted monies for the project.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F068-101.)



COUNCIL COMMENT-3:

Council Member Madaffer wished to echo Council Member Peters by adding that he was pleased to see the release from the Mayor's Office, and that East Elliott has risen to the number one position of the Proposition 12 money. Council Member Madaffer offered his congratulations stating it was good that the County Water Authority was able to help.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F103-156.)

- \* ITEM-50: Public Right-of-Way Use Permit Procedures and Encroachment of Walls and Fences in the Public Right-of-Way.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances in Subitem A and Subitem B which were introduced on 2/13/2001. (Council voted 7-0. Districts 6 and 8 vacant.):

Subitem-A: (O-2001-20) ADOPTED AS ORDINANCE O-18923 (New Series)

Amending Chapter 12, Article 6, of the San Diego Municipal Code by adding a new Division 9 titled "Public Right-of-Way Use Permit Procedures" and by adding new Sections 126.0901, 126.0902, 126.0903, 126.0904, 126.0905, 126.0906, and 126.0907, all relating to Development Permits.

Subitem-B: (O-2001-44 Cor. Copy) ADOPTED AS ORDINANCE O-18924  
(New Series)

Amending Chapter VI, Article 2, Division 3 of the San Diego Municipal Code by amending Sections 62.0301 and 62.0302 to permit the consideration of walls and fences in the public right-of-way.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: A340-580.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-51: Amended and Restated Attachment License Agreement with Metricom, Inc.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 2/12/2001. (Council voted 7-0. Districts 6 and 8 vacant.):

(O-2001-112) ADOPTED AS ORDINANCE O-18925 (New Series)

Approving an Amended and Restated Attachment License Agreement between the City of San Diego and Metricom, Inc., for the attachment of wireless radio receivers on City-owned light poles.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: A582-632.)

MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-52: Lease and Joint Use Agreement for Garfield Elementary School.

(Greater North Park Community Area. District-3.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 2/12/2001. (Council voted 7-0. Districts 6 and 8 vacant.):

(O-2001-105) ADOPTED AS ORDINANCE O-18926 (New Series)

Authorizing the City Manager to execute a twenty-five year Lease and Joint Use Agreement with the San Diego Unified School District for the construction, operation, maintenance and lease of turf fields and recreation facilities at Garfield Elementary School.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**FILE LOCATION:** LEAS - San Diego Unified School District Garfield  
Elementary School

**COUNCIL ACTION:** (Tape location: A634-B087.)

MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

\* ITEM-53: Exempting One (1) Assistant Deputy Director from the Classified Service.

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2001-116) INTRODUCED, TO BE ADOPTED ON MONDAY,  
MARCH 19, 2001

Introduction of an Ordinance exempting an Assistant Deputy Director position from the Classified Service in the Metropolitan Wastewater Department.

**CITY MANAGER SUPPORTING INFORMATION:**

The Metropolitan Wastewater Department is requesting that an Assistant Deputy Director position be created that is exempt from the Classified Service. The Assistant Deputy Director position will be responsible for assisting the Deputy Director of the Environmental Monitoring and Technical Services Division with day-to-day administration and operation of the Division. The Environmental Monitoring and Technical Services Division includes 158 positions and a \$17 million budget. There are six (6) major sections within the Division: Biology/Ocean Operations, Wastewater Chemistry Laboratory, Industrial Waste Compliance Program, Industrial Waste Laboratory, Permits and Compliance, and Business Support. The Division provides permitting and analytical services to the City of San Diego; neighboring local governments; and, under full cost reimbursement, to federal and state agencies. On December 20, 2000, the Civil Service Commission reviewed the duties and responsibilities of this position and found that it meets the intent of Charter Section 117. Charter Section 117 states that the Unclassified Service shall include "managerial employees having significant responsibilities for formulating and administering department policies and programs. Each such position shall be exempted from the Classified Service by ordinance, upon the initiation of the appropriate appointing authority and after receiving the advisory review and comment of the Civil Service Commission and approval of the City Council" (see the Personnel Director's memorandum dated December 20, 2000).

**FISCAL IMPACT:**

The total estimated budgetary impact for this position for the remainder of this fiscal year is \$35,758. This position is included in the Council approved FY2001 budget for MWWD.

Loveland/Schlesinger/AL

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Tape location: A340-580.)

CONSENT MOTION BY WEAR TO INTRODUCE THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

- \* ITEM-54: Two actions related to the Mayor's Proposal to Transfer the Management Authority for the City's Intergovernmental Relations Department from the Mayor to the City Manager.

(See memorandum from Mayor Murphy dated 1/30/2001.)

**TODAY'S ACTIONS ARE:**

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2001-122) INTRODUCED, TO BE ADOPTED ON MONDAY,  
MARCH 19, 2001

Introduction of an Ordinance amending Chapter II, Article 2, Division 1, of the San Diego Municipal Code by amending Section 22.1901 relating to the Department of Intergovernmental Relations.

**NOTE:** 6 votes required for Subitem A pursuant to Section 26 of the City Charter.

Subitem-B: (R-2001-1152) ADOPTED AS RESOLUTION R-294608

Approving the transfer and management authority for the City's Intergovernmental Relations Department, to include the Intergovernmental Relations Department Director, Legislative Analyst, Deputy City Clerk I, temporary help and non-personnel expenses, from the Mayor to the City Manager effective March 3, 2001;

Authorizing the City Auditor and Comptroller to transfer \$85,000 in salaries, and \$47,000 in fringe and non-personnel appropriations from General Fund Department 015, Intergovernmental Relations to Department 011, Executive Services.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:**

On 2/7/2001, RULES voted 5 to 0 to approve and send to Council the Mayor's proposal to transfer the management authority for the City's Intergovernmental Relations Department from

the Mayor to the City Manager. (Councilmembers Wear, Atkins, Stevens, Madaffer, and Mayor Murphy voted yea.)

FILE LOCATION: SUBITEM A: NONE  
SUBITEM B: MEET

COUNCIL ACTION: (Tape location: A340-580.)

CONSENT MOTION BY WEAR TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTION. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

\* ITEM-100: Two actions related to Inviting Bids for Ardath Road Reconfiguration - Tree Relocation, Environmental Compliance and Utility Design.

(La Jolla Shores Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2001-812) ADOPTED AS RESOLUTION R-294577

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental for the Ardath Road Tree Relocation phase of CIP-52-583.0, La Jolla Shores Drive/Torrey Pines Road/Ardath Road/Hidden Valley Road Intersection Reconfiguration Project;

Authorizing the Contract Services Division of the City of San Diego's Department of Engineering and Capital Projects to publish notice to contractors calling for bids for the work on Work Order No. 525830-A;

Authorizing the City Manager to execute a contract with the lowest responsible bidder for the Ardath Road Tree Relocation Phase of CIP-52-583.0;

Authorizing the expenditure, not to exceed \$275,000 from CIP-52-583.0, La Jolla Shores Drive/Torrey Pines Road/Ardath Road/Hidden Valley Intersection Reconfiguration Project for providing funds for the Ardath Road Tree Relocation Phase of the project and its related costs;

Authorizing the City Manager to execute the First Amendment to the Agreement with Lintvedt, McColl & Associates in the amount of \$69,000 for the engineering design of the water and sewer pipeline replacements pertaining to CIP-52-583.0, La Jolla Shores Drive/Torrey Pines Road/Ardath Road/Hidden Valley Intersection Reconfiguration Project;

Authorizing the expenditure of \$46,750 from Fund 41506, CIP-44-001.0, Annual Allocation for Sewer Main Replacement, for the engineering design of the sewer pipeline replacement;

Authorizing the expenditure of \$22,250 from Fund 41500, CIP-70-953.0, Torrey Pines Road/La Jolla Boulevard Main Replacement, for the engineering design of the water pipeline replacement;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01052C)

Subitem-B: (R-2001-813) ADOPTED AS RESOLUTION R-294578

Certifying that the information contained in Mitigated Negative Declaration LDR-98-0994, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council;

Finding, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and approving the Mitigated Negative Declaration LDR-98-0994.

**CITY MANAGER SUPPORTING INFORMATION:**

The La Jolla Shores Drive, Torrey Pines Road, Ardath Road, Hidden Valley Road Intersection Reconfiguration Project will improve through traffic flow on Torrey Pines and Ardath Road. The intersection currently handles 70,000 vehicles per day and is one of the busiest intersections in the City of San Diego. Access to La Jolla Shores Road and Hidden Valley Road will be improved. In addition to the proposed road reconfiguration and landscaped median work, seventeen (17) Torrey Pine trees will be relocated and incorporated into the road reconfiguration landscape plan. This work needs to be performed in advance of the road reconfiguration due to the six (6) to nine (9) month period required to successfully remove and box the trees. On May 30, 2000, pursuant to Resolution R-293209, the City Manager authorized the execution of a contract in the amount of \$386,348 with Lintvedt, McColl & Associates to prepare final design plans and specifications for the Ardath Road Reconfiguration Project. This First Amendment to the Agreement with Lintvedt, McColl & Associates in the amount of \$69,000 is for the engineering design of the water and sewer pipeline replacements, and is required for the Ardath Road Reconfiguration Project, CIP-52-583.0. This project is consistent with the La Jolla and La Jolla Shores Community Plan and is in conformance with the City's Progress Guide and General Plan.

**FISCAL IMPACT:**

The total estimated cost for the Ardath Road Tree Relocation Project is \$275,000 and is available in CIP-52-583.0. The compensation agreed upon with Lintvedt, McColl & Associates for water and sewer services shall not exceed \$69,000. Funding for this purpose is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation for Sewer Main Replacements, in the amount of \$46,750, and in Water Fund 41500, CIP-70-953.0, Torrey Pines Road/La Jolla Boulevard Main Replacement, in the amount of \$22,250.

Loveland/Belock/PB

Aud. Cert. 2100875.

**FILE LOCATION:** SUBITEMS A & B: CONT - Telliard Construction;  
W.O. 525830-A

**COUNCIL ACTION:** (Tape location: A340-580.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.



\* ITEM-101: Three actions related to the Final Subdivision Map of Greystone-Garden.

(Torrey Highlands Subarea IV Community Plan Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2001-1092) ADOPTED AS RESOLUTION R-294579

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Greystone Homes, Inc. for the installation and completion of certain public improvements.

Subitem-B: (R-2001-1056) ADOPTED AS RESOLUTION R-294580

Approving the final map.

Subitem-C: (R-2001-1091) ADOPTED AS RESOLUTION R-294581

Authorizing the City Manager to execute a Landscape Maintenance Agreement with Greystone Homes, Inc. to assure maintenance of landscaping.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a 30.456 acre site into 88 lots for residential development. It is located at the western extension of Adobe Bluffs Drive between Donaker Street and Rotherham Avenue, in the Torrey Highlands Subarea IV Community Planning area. On April 11, 2000 the City Council of the City of San Diego approved Resolution No. R-292971. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied.

The public improvements required for this subdivision are shown in detail on Drawing Nos. 30554-1-D through 30554-37-D filed in the Office of the City Clerk under Micro Number 140.76. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$ 2,903,249 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$15,100 as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located within the Torrey Highlands Subarea IV Community Planning area and is within a

Public Facilities Financing Plan which provides for the payment of an assessment for public facilities. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". Subdivider shall enter into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility.

**FISCAL IMPACT:**

None.

Loveland/Haase/GPH

FILE LOCATION: SUBITEMS A, B, & C: SUBD - Graystone - Garden (40)

COUNCIL ACTION: (Tape location: A340-580.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

\* ITEM-102: Sewer and Water Easement Abandonment in Parcel 1 of Parcel Map No. 18444.

(City Heights Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1117) ADOPTED AS RESOLUTION R-294582

Vacating the sewer and water easement in Parcel 1 of Parcel Map 18444, as shown on Drawing No. 19251-1-B, 19251-2-B, and 19251-3-B.

**CITY MANAGER SUPPORTING INFORMATION:**

City staff is recommending the abandonment of an unneeded sewer and water easement granted over Parcel 1 of Parcel Map No. 18444. This redevelopment site is located between University Avenue and Wightman Street and between Fairmont Avenue and Highland Avenue in the City Heights Community Plan area. When the easement was granted on the parcel map, the location of water and sewer utilities was uncertain. The developer has now determined the final location of the facilities and there is no present or anticipated future use for the easement as originally granted. A new general utility and access easement of approximately equal value is being granted to the City by separate instrument. The original easement and its replacement were acquired by the City at no cost. The easement abandonment and acquisition are shown on Engineering Drawing No. 19251-B.

**FISCAL IMPACT:**

None.

Loveland/Haase/GB

FILE LOCATION: DEED - F-7969

COUNCIL ACTION: (Tape location: A340-580.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

\* ITEM-103: Reprogramming of Council District Six FY 2001 CDBG Funds.

(Linda Vista Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1141) ADOPTED AS RESOLUTION R-294583

Authorizing the City Manager to reprogram Council District Six FY 2001 CDBG funds;

Authorizing the Auditor and Comptroller to transfer \$50,000 of District Six CDBG funds from Dept. 4215, Org. 1513 (Skateworld, Inc.) to Dept. 4227, Org. 2704 (District Six - Special Projects).

**CITY MANAGER SUPPORTING INFORMATION:**

On May 1, 2000 as part of the fiscal year 2001 Community Development Block Grant process, Council District Six allocated \$50,000 to San Diego Skateworld Center, Inc., as a loan for renovation for their roller skating facility. The Council district wishes to rescind that allocation and move the funds to their FY 2001 reserve for future use. The Skateworld Center, Inc. project will be reconsidered for funding in FY 2002.

**FISCAL IMPACT:**

Funds are available in the FY 2001 Community Development Block Grant (CDBG) Program.

Herring/Cunningham/JC

Aud. Cert. 2100859.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A340-580.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

- \* ITEM-104: Amendment to Lease Agreement between S.D. Unified School District and City of San Diego Park and Recreation Department.

(Allied Gardens, North Park, City Heights, Clairemont, Colina del Sol, Kearny Mesa, Skyline, Logan Heights, University City, and Tierrasanta Community Areas. Districts-1, 3, 4, 5, 6, 7, and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1142)            ADOPTED AS RESOLUTION R-294584

Authorizing the City Manager to execute an amendment to lease agreement with the San Diego Unified School District to use various swimming pools operated by the City of San Diego, extending the term of the agreement through June 30, 2001 and increasing the facility rental rate in accordance with the current rate schedule.

**CITY MANAGER SUPPORTING INFORMATION:**

The current lease agreement provides a 5 year term contract between the San Diego Unified School District and the City of San Diego Park and Recreation Department through December 31, 2000. Under the provisions of the agreement, the San Diego Unified School District can use and rent the City's swimming pool facilities for the District's swim programs until June 30, 2001 at the sites listed below:

Allied Gardens, Bud Kearns Memorial, City Heights, Clairemont, Colina del Sol, Kearny Mesa, Martin Luther King, Jr., Memorial, Ned Baumer, Swanson, and Tierrasanta.

**FISCAL IMPACT:**

None to the City. The District will pay the City of San Diego Park and Recreation Department a monthly rental fee (Listed in Exhibit 2) for the use of the facilities. This revenue will be deposited into the General Fund 100.

Loveland/McLatchy/BD

**FILE LOCATION:**            LEAS - San Diego Unified School District

**COUNCIL ACTION:**            (Tape location: A340-580.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-105: Change Order No. 2 for the Construction of Santa Clara Accelerated Sewer Replacement Project.

(Mission Beach Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1081)      ADOPTED AS RESOLUTION R-294585

Approving Change Order No. 2, with Orion Construction Corporation, for the construction of Phase II Improvements, Storm Station "N," increasing the contract price by \$111,457;

Authorizing the expenditure of an amount not to exceed \$44,640 from Sewer Fund 41506, CIP-46-206.0, Annual Allocation - Emergency and Accelerated Projects, for engineering and related costs;

Authorizing the expenditure of an amount not to exceed \$116,957 from Sewer Fund 41506, CIP-46-206.0, Annual Allocation - Emergency and Accelerated Projects, for executing the Change Order and related costs.

**CITY MANAGER SUPPORTING INFORMATION:**

This is an accelerated sewer main replacement of approximately 150 linear feet of 8-inch PVC sewer main in Santa Clara Place that has been permanently relocated away from the storm drain pump station. This project was constructed via a Change Order that was issued by the Transportation and Drainage Design Division who has a major project on the same site responding to the recommendations of the Community. The Contractor's proposal was negotiated and upon approval, construction started. The success of the construction process required coordination with Field Engineering Division, Transportation and Drainage Design Division, and Wastewater Collection Division so that there would be a minimal impact on the Community.

The following conditions were involved in the construction of the sewer main:

1. The community requested (by a 52 to 2 vote) that the construction be done immediately and not later by a separate contract in order to minimize project impacts. 2. Santa Clara Place is right

by the bay. Construction had to take place below the water table, requiring costly extra shoring, dewatering and a sewer bypass system. 3. The project was complex and required the contractor (Orion) to hire a subcontractor (Wilson) to perform the sewer main construction. 4. The alignment required extra manholes which were very costly. The project restored the adjacent property which included replacement of the curb, gutter, and stamped concrete. The project also included extra cost for bedding, interim resurfacing, traffic control, and permanent resurfacing.

**FISCAL IMPACT:**

The total cost of this project is \$161,597 of which \$44,640 is for engineering and related costs, and \$116,957 is for Construction Change Order No. 2 and related costs. Funding for this purpose is available in Sewer Fund 46-206.0, Annual Allocation - Emergency and Accelerated Projects, for this purpose.

Belock/Boekamp/HP

Aud. Cert. 2100762.

FILE LOCATION: CONT - Orion Construction Corporation

COUNCIL ACTION: (Tape location: B090-115.)

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant,  
Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

\* ITEM-106: Three actions related to Authorizing Suggestion Awards to City Employees.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2001-1143) ADOPTED AS RESOLUTION R-294586

William Jacobson - Police Department - \$ 3,648.92

Subitem-B: (R-2001-1144) ADOPTED AS RESOLUTION R-294587

Philip Almeida - Transportation/Streets Division - \$2,390

Subitem-C: (R-2001-1145) ADOPTED AS RESOLUTION R-294588

Janet Uglow - Risk Management/Safety - \$100

FILE LOCATION: SUBITEMS A, B, & C: MEET

COUNCIL ACTION: (Tape location: A340-580.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

\* ITEM-107: Two actions related to the Mayor's Proposal to Modify the Council Committee Assignments in Light of Councilmember Stallings' Resignation.

(See Memorandums from Mayor Murphy dated 1/31/2001 and 2/16/2001).

**TODAY'S ACTIONS ARE:**

Adoption of the following resolutions:

Subitem-A: (R-2001-1156 Cor. Copy) ADOPTED AS RESOLUTION R-294589

Approving the following modifications to the following three standing Council Committees, to replace Valerie Stallings who has resigned, for terms commencing immediately and ending December 3, 2001, pursuant to Section 22.0101, as amended, of the San Diego Municipal Code:

**COMMITTEE ON PUBLIC SAFETY AND NEIGHBORHOOD SERVICES**

Councilmember Scott Peters

(Councilmember from District 8 will take his place upon election)



**COMMITTEE ON NATURAL RESOURCES AND CULTURE**

Councilmember Brian Maienschein

(Councilmember from District 8 will take his place upon election)

**COMMITTEE ON LAND USE AND HOUSING**

Councilmember Toni Atkins

(Permanent appointment in place of Councilmember from District 8)

Subitem-B: (R-2001-1151) ADOPTED AS RESOLUTION R-294590

Appointments of Council Representatives and their alternates to organizations listed below commencing immediately and ending December 3, 2001, pursuant to Section 22.0101, of the San Diego Municipal Code:

**3. CITIES ADVISORY COMMITTEE TO LAFCO**

Jim Madaffer - temporary representative

District 6 will take his place upon election

**9. METROPOLITAN TRANSIT DEVELOPMENT BOARD**

Byron Wear - Representative, Executive Committee

District 8 - Alternate

Mayor Dick Murphy - Representative

George Stevens - Alternate

Brian Maienschein - Representative

Toni Atkins - Alternate

Scott Peters - Representative

Jim Madaffer - Alternate

**20. SAN DIEGO TROLLEY ADVISORY BOARD**

Toni Atkins - Representative

Jim Madaffer - Representative

George Stevens - Representative

Byron Wear - Representative (District 8 will take his place upon election)

**22. SENIOR CITIZENS ADVISORY BOARD**

Toni Atkins - temporary Representative

District 6 will take her place upon election

**SANDAG's Transportation Subcommittee**

Dick Murphy - representative

Brian Maienschein - alternate

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S  
RECOMMENDATION:**

On 2/7/2001, RULES voted 5-0 to approve and forward to the City Council the Mayor's proposal to modify the Council Committee assignments in light of Councilmember Stallings' resignation. (Councilmembers Wear, Atkins, Stevens, Madaffer, and Mayor Murphy voted yea.)

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: A340-580.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-200: Three actions related to Two Parking Lease Agreements with International Gateway Associates, LLC for the Gateway of the Americas Project Shopping Center (Lease 1 for Parcels B and C; and Lease 2 for Parcel A).

(See City Manager Report CMR-01-035. San Ysidro Redevelopment Project Area and San Ysidro Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the Ordinances in Subitem A and Subitem B, and adopt the resolution in Subitem C:

Subitem-A: (O-2001-120) INTRODUCED, TO BE ADOPTED ON TUESDAY,  
MARCH 20, 2001

Introduction of an Ordinance approving a Public Use Lease (Parcel A) with International Gateway Associates, LLC, for Park and Ride Facilities at the International Gateway of the Americas Shopping Center (Parcel A)

**NOTE:** 6 votes required for Subitem A and B, pursuant to Section 99 of the City Charter.

Subitem-B: (O-2001-119) INTRODUCED, TO BE ADOPTED ON TUESDAY,  
MARCH 20, 2001

Introduction of an Ordinance approving a Public Use Lease (Parcels B/C) with International Gateway Associates, LLC, for Park and Ride Facilities at the International Gateway of the Americas Shopping Center (Parcels B and C).

**NOTE:** 6 votes required for Subitem A and B, pursuant to Section 99 of the City Charter.

Subitem-C: (R-2001-1154) ADOPTED AS RESOLUTION R-294591

Certifying that the information contained in Environmental Impact Report Negative and Final Mitigated Negative Declaration No. 98031064, including any comments received during the public review process, has been reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of Public Use Leases for the Park and Ride Facility at the International Gateway of the Americas Shopping Center.

**FILE LOCATION:** SUBITEMS A & B: NONE  
SUBITEM C: LEAS - International Gateway Associates,  
LLC

**COUNCIL ACTION:** (Tape location: B116-249.)

MOTION BY WEAR TO INTRODUCE THE ORDINANCES AND ADOPT THE RESOLUTION. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-201: Two actions related to Inviting Bids and Award for San Pasqual Storage Tank.

(San Pasqual Valley Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2001-980) ADOPTED AS RESOLUTION R-294592

Approving the plans and specifications for furnishing all labor, material, tools, equipment, transportation, and other expense necessary or incidental and inviting bids for the San Pasqual Reclaimed Water Storage Tank Project on Work Order No. 173444;

Authorizing the City Manager to establish contract funding phases with the lowest responsible bidder for this project and to execute a contract with the lowest responsible bidder, based on the actual low bid submitted, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City treasury;

Authorizing the expenditure of an amount not to exceed \$1,694,500 to provide funds for the above project, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City treasury, to be expended as follows:

\$1,564,500 from Sewer Fund No. 41506, CIP-46-178.0, San Pasqual Aquatic Treatment Facility Phase II for project construction and related costs;

\$70,000 from Sewer Fund No. 41506, CIP-46-178.0, San Pasqual Aquatic Treatment Facility Phase II for additional project contingency to fund anticipated job order contracts; and

\$60,000 from Sewer Fund No. 41506, CIP-46-193.0, Annual Allocation-CIP Contingencies, for project contingency.

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves upon advice of the administering department. (BID-K01102)

Subitem-B: (R-2001-981) ADOPTED AS RESOLUTION R-294593

Certifying that Addendum LDR-99-1213 to Environmental Impact Report EIR-87-0750, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines thereto, that the Addendum reflects the independent judgement of the City of San Diego as Lead Agency; and that the information contained in the Addendum, together with any comments received during the public review process, has been reviewed and considered by Council in connection with approval of the San Pasqual Reclaimed Water Storage Tank Project.

**CITY MANAGER SUPPORTING INFORMATION:**

This request provides for authorization to advertise for bids and award a contract to the lowest responsible bidder, based on the actual low bid submitted, for the San Pasqual Reclaimed Water Storage Tank (SPRWST) project at the San Pasqual Aquatic Treatment Facility (SPATF) site. The 0.22-acre project site is located at 14103 Highland Valley Road, south and east of Lake Hodges in the San Pasqual Valley area. The purpose of this project is to maximize the efficiency of the plant operation. The project would reduce the around the clock production of reclaimed water. This would be accomplished through the construction of an onsite storage tank and modifications to the existing reclaimed water pump station. Currently the product reclaimed water must be pumped directly to the distribution system, and the production must be maintained at high enough volumes to supply demand peaks throughout the day. These peak demands can be as high as 2.5 times the average demand and generally occur at night during high irrigation use. This project consists of the installation of a 750,000 gallon bolted steel reclaimed water storage tank, a concrete pad for the tank, appurtenances, a concrete retaining wall approximately 7-ft. high, a 12-ft. wide asphalt road around the tank, and modifications to the existing reclaimed water pump station. The proposed location of the tank will be at the northern most point of the SPATF, adjacent to the existing effluent pump station. The construction cost for the tank and appurtenances is estimated at \$1,000,000. Project related costs include: design consultant \$194,000; construction management services \$150,000; in-house engineering, surveying and administration \$61,000; permits and environmental costs \$55,500; previously performed studies \$104,000. Additionally, a \$70,000 project is ready to commence to upgrade and replace undersized and failing pumps and related equipment at the facility's waste pump station which is

required to discharge waste flows offsite. This work will be performed under an existing Job Order Contract (JOC), the most cost effective means to complete this small task.

**FISCAL IMPACT:**

The total cost of this action is \$1,694,500 of which \$1,000,000 is for the construction contract, \$564,500 is for related costs, and \$130,000 for contingencies. Funds are available in CIP-46-178.0, San Pasqual Aquatic Treatment Facility Phase II.

Loveland/Schlesinger/ALM

FILE LOCATION: SUBITEMS A & B: W.O. 173444

COUNCIL ACTION: (Tape location: B250-274.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-202: Improvement Program for the Old Mira Mesa Library (Regional Teen Center).

(Mira Mesa Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1158) ADOPTED AS RESOLUTION R-294594

Amending the Fiscal year 2001 Capital Improvement Program (CIP) budget by increasing the appropriation by \$188,755.86 to be utilized for CIP-37-252.0, Redevelopment of the Old Mira Mesa Library;

Authorizing the City Auditor and Comptroller to transfer \$188,755.86 from the Mira Mesa Community Fund, Fund Balance, Fund 10516, to CIP-37-252.0, Redevelopment of the Old Mira Mesa Library;

Authorizing the expenditure of an amount not to exceed \$188,755.86 from CIP-37-252.0, Redevelopment of the Old Mira Mesa Library, for the purpose of providing funds for the above project, with excess budgeted funds to be transferred, upon advice of the administering department, to the appropriate reserve.

**CITY MANAGER SUPPORTING INFORMATION:**

The Mira Mesa Community has recommended that funds donated by developers for improvements in the Mira Mesa Community be used, in part, in the following fashion: 1) reimbursement to Harmonium for unreimbursed expenses incurred as a part of the redevelopment of the Old Mira Mesa Library, \$3,755.86; 2) to complete further improvements necessary for habitability of the individual working spaces and marketability of the services provided by the lessee. The specific improvements recommended are soundproofing between work spaces as well as separate electrical meters and air conditioning controls. Also included is improved signage to better promote the Regional Teen Center. The estimated costs total \$85,000; 3) outdoor improvements for the Old Mira Mesa Library including design and construction of a patio area with a beach volleyball court, and improved landscaping with associated fencing and outdoor lighting. The estimated cost is \$100,000. These projects have been recommended for approval by the Mira Mesa Planning Group, the Mira Mesa Recreation Council, the Mira Mesa Town Council and the Mira Mesa Stakeholders Committee.

**FISCAL IMPACT:**

Funds are available in Fund 10516, the Mira Mesa Community Fund.

Ewell/Goldberg/GM

Aud. Cert. 2100862.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: B275-302.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-203: Amending the FY 2001 Capital Improvement Program Budget for Miscellaneous Park Projects.

(Pacific Beach, Ocean Beach, Mission Bay Park, Southeastern San Diego, Clairemont Mesa, Tierra Santa, Serra Mesa, San Ysidro Community Areas. Districts-2, 6, 7 and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1149)            ADOPTED AS RESOLUTION R-294595

Authorizing the City Auditor and Comptroller to add the following projects to the FY2001 Capital Improvements Program Budget:

CIP-29-657.0, La Mirada Elementary School - Joint Use Improvements;

CIP-29-660.0, Serra Mesa Community Park Recreation Center - Game Room Remodel;

CIP-29-661.0, Ocean Beach Recreation Center - Tot Lot Upgrade;

CIP-29-662.0, Southcrest Community Park - Tot Lot Upgrade;

CIP-29-664.0, South Clairemont Community Park - Picnic Shelter

Authorizing the City Auditor and Comptroller to appropriate and expend the following amounts, not to exceed \$1,146,300 from State Park Trailer Bill Funds upon receipt of a fully executed contract with the State for each grant:

\$378,000 from Fund No. 38116, for use on CIP-29-657.0, La Mirada Elementary School - Joint Use Improvements;

\$98,500 from Fund No. 38112, for use on CIP-29-660.0, Serra Mesa Community Park Recreation Center - Game Room Remodel;

\$172,375 from Fund No. 38102, for use on CIP-29-661.0, Ocean Beach Recreation Center - Tot Lot Upgrade;



\$147,750 from Fund No. 38115, for use on CIP-29-662.0, Southcrest Community Park - Tot Lot Upgrade;

\$295,500 from Fund No. 38103, for use on CIP-22-948.0, Santa Clara Recreation Center/Replacement Study;

\$54,175 from Fund No. 38110, for use on CIP-29-664.0, South Clairemont Community Park - Picnic Shelter.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego has received grant funding from the FY 2001 State budget for the listed park improvements. This action authorizes the City Manager to add the following projects to the Capital Improvement Program Budget, and appropriate and expend the State funding for the following purposes:

La Mirada Elementary School /Joint Use Improvements - This project will provide for the turfing of approximately 3 acres of existing decomposed granite fields to meet the school's and community's athletic and recreational needs.

Serra Mesa Community Park/Game Room - This project will provide for the renovation of the interior of the existing game room and provide furnishings that meet the needs of the targeted user group.

Ocean Beach Recreation Center/Tot Lot Upgrade - This project will provide for the upgrade of tot lot play equipment and access to meet state and federal safety and accessibility guidelines.

Southcrest Community Park/Tot Lot Upgrade - This project will provide for the upgrade of tot lot play equipment and access to meet state and federal safety and accessibility guidelines.

Santa Clara Recreation Center/Replacement Study - This project provides for an independent study to identify areas within the footprint of the entire facility for upgrading and/or replacing this facility to meet today's standards.

South Clairemont Community Park/Picnic Shelter - This project will provide a picnic shelter for protection from inclement weather to benefit park users, which is not available at this site.

**FISCAL IMPACT:**

Funds in the amount of \$1,146,300 are available for this purpose as follows: \$378,000 from State Park Trailer Bill Fund No. 38116 for CIP-29-657.0, La Mirada Elementary School/Joint Use Improvements; \$98,500 from State Park Trailer Bill Fund No. 38112 for CIP-29-660.0, Serra Mesa Community Park Recreation Center/Game Room Remodel; \$172,375 from State Park Trailer Bill Fund No. 38102 for CIP-29-661.0, Ocean Beach Recreation Center/Tot Lot Upgrade; \$147,750, from State Park Trailer Bill Fund No. 38115, for CIP-29-662.0, Southcrest Community Park/Tot Lot Upgrade; \$295,500 from State Park Trailer Bill Fund No. 38103 for CIP-29-948.0, Santa Clara Recreation Center/Replacement Study; and \$54,175 from State Park Trailer Bill Fund No. 38110 for CIP-29-664.0, South Clairemont Community Park/Picnic Shelter.

(Reference Resolution R-292812, 3/6/00)

Annual Maintenance: No maintenance costs are generated by this action, however, annual maintenance costs associated with these projects will be requested as new Park and Recreation facilities in the fiscal year budget process in which the projects will come on line.

Loveland/McLatchy/DVW

Aud. Cert. 2100873.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B304-340.)

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-204: Three actions related to Financing of Fire and Life Safety Services Facility Improvements.

(See City Manager Report CMR-01-031.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2001-779) ADOPTED AS RESOLUTION R-294609, WITH  
DIRECTIONS

Amending the Fiscal Year 2001 Capital Improvements Program Budget by adding the following projects: CIP-33-093.0, Fire Station No.1- Downtown; CIP-33-101.0, Fire Station No. 2 - Mission Valley; CIP-33-104.0, Fire Station No. 5 - Hillcrest; CIP-33-081.0, Fire Station No. 12 - Lincoln Park; CIP-33-080.0, Fire Station No. 17 - Mid-City; CIP-33-102.0, Fire Station No. 22 - Point Loma; CIP-33-103.0, Fire Station No. 29 - San Ysidro; CIP-33-088.0, Fire Station No. 31 - Del Cerro; CIP-33-089.0, Fire Station No. 32 - Skyline; CIP-33-091.0, Fire Station No. 54 - Paradise Hills; CIP-33-069.0, Kearny Villa Repair Facility; and CIP-33-098.0, Major Fire Station Component Replacement;

Approving, in concept, the financing plan outlined for reconstruction of fire station facilities throughout the City;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,802,176 from CIP-36-063.0, Central Police Garage Relocation, as follows:

- (1) an amount not to exceed \$197,423 to CIP-33-081.0, Fire Station No. 12 - Lincoln Park;
- (2) an amount not to exceed \$134,593 to CIP-33-088.0, Fire Station No. 31 - Del Cerro;
- (3) an amount not to exceed \$4,253 to CIP-22-104.0, Fire Station No. 5 - Hillcrest;
- (4) an amount not to exceed \$5,548 to CIP-33-089.0, Fire Station No. 32 - Skyline;
- (5) an amount not to exceed \$5,548 to CIP-33-091.0, Fire Station

No. 54 - Paradise Hills;

- (6) an amount not to exceed \$1,454,802 to CIP-33-098.0, Major Fire Station Component Replacement; and
- (7) the appropriation and expenditure of the transferred funding is authorized.

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$150,000 from the General Fund 100, Fire Department 120 as follows:

- (1) an amount not to exceed \$75,000 to CIP-33-081.0, Fire Station No. 12 - Lincoln Park;
- (2) an amount not to exceed \$75,000 to CIP-33-088.0, Fire Station No. 31 - Del Cerro; and
- (3) the appropriation and expenditure of the transferred funding is authorized.

Authorizing the City Manager to make any budgetary adjustments necessary to implement the above.

Subitem-B: (R-2001-788) ADOPTED AS RESOLUTION R-294610, WITH DIRECTIONS

Declaring that it is the intent of the City of San Diego to use proceeds of indebtedness to reimburse itself for expenditures in connection with the City's Fire and Life Safety Facilities.

Subitem-C: (R-2001-780) ADOPTED AS RESOLUTION R-294611, WITH DIRECTIONS

Amending Council Policy 500-07 regarding the use of Proposition 172 Funds.

Aud. Cert. 2100526.

FILE LOCATION: SUBITEMS A, B, & C: MEET

COUNCIL ACTION: (Tape location: B349-C182; C242-264; C281-356;D037-134.)

MOTION BY WEAR TO ADOPT THE RESOLUTION AND TO REQUEST THAT THE CITY MANAGER RETURN TO COUNCIL WITHIN 60 DAYS WITH A REALISTIC, VIABLE FINANCING PLAN ADDRESSING THE CRITICAL INFRASTRUCTURE NEEDS FOR LIFEGUARD FACILITIES, INCLUDING A DETERMINATION OF WHETHER THE SB8 BOND FINANCING BEING UTILIZED FOR THE FIRE DEPARTMENT (OR OTHER REVENUE SOURCES) HAS ADDITIONAL CAPACITY FOR LIFEGUARD FACILITY NEEDS. TO REQUEST THE CITY MANAGER TO ATTEMPT TO COORDINATE THE FIRE FACILITIES IMPROVEMENT PLAN ALONG WITH THE LIFEGUARD FACILITIES IMPROVEMENT PLAN SO THAT IF SB8 BOND FUNDING IS AN OPTION, BOTH PLANS COULD BE FINANCED CONCURRENTLY. ESTABLISH A HIGH PRIORITY FOR NEW FIRE STATIONS, SPECIFICALLY MISSION VALLEY AND PARADISE HILLS. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-205: Proposition 13 Funding of Water Projects.

(See memorandum from the Water Department Director dated 3/7/2000.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1140)            ADOPTED AS RESOLUTION R-294612

Authorizing the City Manager to apply for, accept and expend funds from the State of California under the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act (Bond Law), Proposition 13 to facilitate implementation of the City of San Diego's Water Projects.

**CITY MANAGER SUPPORTING INFORMATION:**

The State of California authorized the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act (Bond Law), Proposition 13 in March 2000. This proposition generated funds that will be distributed by means of grants and loans to municipalities throughout California for the planning, design, and construction of a variety of water projects.

Funds are being administered through various state agencies, including but not limited to the State Water Resources Control Board and the State Department of Water Resources. The State Water Resources Control Board requires the City to adopt a resolution establishing the City Manager's authority to enter into a loan or grant contract with it. The State Department of Water Resources grant application includes a similar requirement. This resolution is intended for inclusion in any Proposition 13-funded grant or loan application by the Water Department. Without this resolution, separate resolutions will be required for each application. It is anticipated that the City of San Diego will apply for as many as ten separate grants or loans and may be in a position to receive in excess of \$30 million in Proposition 13 funds via these programs. As noted in the Water Department Director's memorandum to Council dated March 7, 2000, five programs would benefit from Prop 13 funding. The Groundwater Development Project for the San Diego Formation Aquifer seeks to develop groundwater for potable use. The Groundwater Development/Conjunctive Use Project for the San Pasqual and Lake Hodges Basins seeks to develop a conjunctive use groundwater program for non-potable supply and storage, as well as a new water supply source for the City. Chapter 9, Article 1 of Prop 13 establishes the Water Supply, Reliability, and Infrastructure Account, which includes the Groundwater Storage Program. The North City Reclamation Distribution and Storage System is a collection of projects that would extend the existing water reclamation distribution system of the North City Water Reclamation Plant to new large developments in Carmel Valley, Rancho Bernardo, and Black Mountain Ranch. Chapter 7, Article 1 of Prop 13 establishes the Clean Water and Water Recycling Program that would fund these projects. In addition, the City has nine reservoirs in the City and County. The watershed lands draining into these reservoirs total 924 square miles and none of the reservoirs have an adopted Watershed Management Plan to preserve and enhance the quality of the water collected in the reservoir. This project seeks to develop three watershed management plans for seven of the reservoirs over the next three years. Chapter 6, Article 1 of Prop 13 establishes the Watershed Protection Account. Adoption of this resolution does not commit the City to any expenditures; it only authorizes the City to apply for Proposition 13-funded grants or loans to support Water Department projects that will be individually executed by the City Manager or City Council via subsequent actions. Upon adoption of this resolution, staff will submit grant and/or loan applications to the State Water Resources Control Board, the State Department of Water Resources, and other state agencies for individual projects. Each grant will cover 25% of the City's project costs, with a \$5 million cap per project. The total capital cost of each Water Department project eligible for Proposition 13 funding is estimated to be in the range of \$5 million to \$20 million, thereby allowing the City to be eligible for funding support for a full 25% of the cost of each project. Contract agreements for expenditure of City funds for each grant-funded project will be the subject of subsequent Council actions. City expenditures would be limited to 75% of the total cost of each project supported by a Proposition 13 grant. An Auditor's Certificate will be secured for each individual project to authorize any expenditure of City funds.

Loveland/Gardner/MAS

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E450-F065.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTION. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

**PUBLIC NOTICES:**

Items are listed under Public Notice as a matter of public record only. These items do not require Council Action.

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Carmel Valley Village Unit No. 4

COMMUNITY AREA

Carmel Valley

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

**NOTICED HEARINGS:**

ITEM-330: La Jolla Mesa Drive (from Lamplight Drive to Turquoise Street) Underground Utility District.

(La Jolla Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-662) ADOPTED AS RESOLUTION R-294613

Establishing the La Jolla Mesa Drive (from Lamplight Drive to Turquoise Street) Underground Utility District.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the La Jolla Mesa Drive (from Lamplight Drive to Turquoise Street) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral. Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

**FISCAL IMPACT:**

SDG&E Cost: The construction cost of \$376,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light



replacement. Cost estimated at \$1,000. Funding is available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Cert. 2100670.

FILE LOCATION: STRT-K-297 (38)

COUNCIL ACTION: (Tape location: D150-E443.)

Hearing began at 3:00 p.m. and halted at 3:21 p.m.

Testimony in opposition by George Ireland and Sharon Ficklin.

MOTION BY PETERS TO ADOPT THE RESOLUTION TO ESTABLISH THE LA JOLLA MESA DRIVE UNDERGROUND UTILITY DISTRICT. Second by Wear.  
Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-331: Extended Stay America.

Matter of approving, conditionally approving, modifying or denying an application for a Community Plan Amendment/Site Development Permit/Planned Development Permit 40-0164 and an Amendment to Planned Industrial Development Permit 84-0902 to construct a three-story, 107-room hotel on a 4.8-acre vacant lot. The project site is located on Murphy Canyon Road between Aero Drive and Balboa Avenue.

(40-0164 Community Plan Amendment/Site Development Permit/Planned Development Permit and an Amendment to Planned Industrial Development Permit 84-0902. Kearny Mesa Community Plan area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions in subitems A and C; adopt the resolution in subitem B to grant the permit; and adopt the resolution in subitem D:

Subitem-A: (R-2001-1028 Cor. Copy) ADOPTED AS RESOLUTION R-294596

Adoption of a Resolution amending the Kearny Mesa Community Plan and amending the Progress Guide and General Plan to incorporate the plan amendments.

Subitem-B: (R-2001- ) ADOPTED AS RESOLUTION R-294597 GRANTING THE PERMIT

Adoption of a Resolution granting or denying Planned Development Permit/Site Development Permit 40-0164, with appropriate findings to support Council action.

Subitem-C: (R-2001- ) ADOPTED AS RESOLUTION R-294598

Adoption of a Resolution amending Planned Industrial Development Permit 84-0902 to remove Lot 5 from the permit.

Subitem-D: (R-2001-1027 Cor. Copy) ADOPTED AS RESOLUTION R-294599

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration (MND) LDR-40-0164 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations section 15000 et seq.), that the MND reflects the independent judgment of The City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Extended Stay America Hotel Project;

that the project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration is hereby approved;

that pursuant to California Public Resources Code section 21081.6, the Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

**OTHER RECOMMENDATIONS:**

The Planning Commission on February 8, 2001 voted 6 - 0 to recommend approval; no opposition.

Ayes: Steele, Butler, Brown, Garcia, Anderson, Skorepa  
Not present: Stryker

The Kearny Mesa Community Planning Group on August 16, 2000 voted 9-1-0 to recommend approval of the project.

**SUPPORTING INFORMATION:**

The proposed project is located on the west side of Murphy Canyon Road north of Aero Drive, within the Kearny Mesa Community Plan area. The subject site is Lot 5 of previously approved Planned Industrial Development Permit (PID) 84-0902. The proposal would remove Lot 5 from PID-84-0902 and be processed under a Site Development Permit (SDP)/Planned Development Permit (PDP). The proposal is to construct a three-story, 45,720 square-foot hotel on an existing vacant, graded lot. The proposed hotel would include 107 rooms and a 149-space surface parking lot. The three-story building will have a stucco exterior and a flat roof.

The following actions are recommended for approval.

1. Community Plan Amendment - An amendment to the Progress Guide and General Plan and the Kearny Mesa Community Plan to amend the Industrial Element to permit a business serving hotels on Lot 5 of Murphy Canyon Gateway Unit No. 1, Map 11502 with approval of a PDP. The Land Development Code offers a new tool to accommodate this use without the need for a spot designation and rezoning. Section 143.0403 of the Code states that uses permitted under a PDP include not only uses permitted by the zone but also uses permitted by the applicable land use plan. It is recommended that the Kearny Mesa Community Plan text be amended to accommodate this use in industrially designated areas.

2. Planned Development Permit/Site Development Permit 40-0164 - In addition to a PDP a SDP is required when development occurs on land containing environmentally sensitive lands. A retaining wall is proposed to be constructed on the western portion of the property to contain a failed slope. The wall will impact 348 square feet of Diegan coastal sage scrub, therefore a SDP is required.

3. Amendment to Planned Industrial Development Permit (PID) 84-0902 - It is necessary to remove the subject site, Lot 5, from PID-84-0902 because the PID cannot be amended to include the proposed use under the current provision of the "Land Development Code."
4. Certify - Mitigated Negative Declaration, LDR File No. 40-0164.

**FISCAL IMPACT:**

None.

All costs associated with the project are paid by the applicant.

Belock/Christiansen/PG

**LEGAL DESCRIPTION:**

The proposed project is located on Murphy Canyon Road between Aero Drive and Balboa Avenue, within the Kearny Mesa Community Planning Area and is more particularly described as Lot 5, Murphy Canyon Gateway Unit No. 1, Map 11502.

FILE LOCATION: SUBITEMS A, B, C, & D: LAND - Progress Guide & General Plan/Kearny Mesa Community Plan Area, Extended Stay America (09)

COUNCIL ACTION: (Tape location: C186-210.)

Hearing began at 11:49 a.m. and halted at 11:50 a.m.

MOTION BY MADAFFER TO ADOPT THE RESOLUTIONS AND GRANT THE PERMIT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-332: All Star Equities.

Matter of approving, conditionally approving, modifying or denying an application to amend Section 103.0612 of the San Diego Municipal Code, and to amend the Stonebridge Business Park, Carmel Valley Planned District Development Permit No. 99-0299, to allow medical offices on Lot 27, where the Municipal Code currently only allows medical offices on Lot 33. The subject property is located at 12264 El Camino Real.

(40-0372 Amend Municipal Code Section 103.0612/Site Development Permit/ Carmel Valley Planned District Development Permit No. 99-0299. Carmel Valley Community Plan Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution in subitem A; adopt the resolution in subitem C to grant the permit; and introduce the ordinance in subitem B:

Subitem-A: (R-2001-1157 ) ADOPTED AS RESOLUTION R-294600

Adoption of a Resolution certifying that the information contained in Addendum LDR-40-0372 to Mitigated Negative Declaration No. 99-0299, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the All Star Equities project; the Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore, that Addendum LDR-40-0372 to Mitigated Negative Declaration No. 99-0299 is approved.

Subitem-B: (O-2001-121) INTRODUCED, TO BE ADOPTED MONDAY,  
MARCH 19, 2001

Introduction of an Ordinance amending Chapter X, Article 3, Division 6, of the San Diego Municipal Code by amending Section 103.0612 relating to the Carmel Valley Planned District.

Subitem-C: (R-2001- )      ADOPTED AS RESOLUTION R-294601 GRANTING  
THE PERMIT

Adoption of a Resolution granting or denying the Site Development Permit No. 40-0372, amending Carmel Valley Permit No. 99-0299.

**OTHER RECOMMENDATIONS:**

Planning Commission voted 6-0 to approve; no opposition.

Ayes:                Steele, Anderson, Brown, Butler, Skorepa, Garcia  
Not present:      Stryker

The Carmel Valley Community Planning Group has recommended approval of this project.

**SUPPORTING INFORMATION:**

The subject property is a 3.04-acre site and is part of a larger planning area for the Carmel Valley Employment Center (EC) Precise Plan, within the Carmel Valley Community Plan area. The project proposes to amend the Carmel Valley Planned District Ordinance (MC Section 103.0612) and amend previously approved Development Permit No. 99-0299, to use approximately 25% floor area of the approved floor area for Lot No. 27, to operate medical offices. Currently Section 103.0612 allows medical users only on Lot 33. The Planning Commission considered this project on December 14, 2000, and voted 7-0 to recommend that the City Council adopt City staff recommendations to approve the project, as presented in the Planning Commission Report No. P-00-216. The Carmel Valley Community Planning Board voted 9-0-1 to recommend approval of the project. There was no opposition to this project at the Planning Commission Hearing. The City Manager recommends that the City Council approve the requested Municipal Code amendment to the Carmel Valley Planned District Ordinance and approve Site Development Permit No. 40-0372. The City Council must first Certify Addendum LDR-40-0372, Addendum to Mitigated Negative Declaration No. 99-0299.

**FISCAL IMPACT:**

None.

All costs associated with the processing of this project are recovered from a deposit account provided by the applicant.

Loveland/Christiansen/JJ

**LEGAL DESCRIPTION:**

The vacant 3.04 acre site is located at 12264 El Camino Real between Carmel Valley Road, High Bluffs Drive, and Interstate 5, in the Carmel Valley Neighborhood 2 Precise Plan Area of the Carmel Valley Community Plan area, and is more particularly described as Lot 27, San Diego Corporate Center 2C, Map 11460.

**FILE LOCATION:** SUBITEMS A & C: PERM-40-0372 (65)  
SUBITEM B: NONE

**COUNCIL ACTION:** (Tape location: C219-223.)

Hearing began at 11:50 a.m. and halted at 11:51 a.m.

MOTION BY PETERS TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTIONS GRANTING THE PERMIT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-333: Hip Pocket LLC, SDP.

Matter of the appeal of Sera Larkins, from the decision of the Planning Commission in approving with a condition, an application for a Site Development Permit to demolish a single dwelling unit and construct two detached dwelling units on a .22 acre site at 906 W. Lewis Street in the Uptown Community Plan area.

(SDP-40-0601. Uptown Community Plan area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution to deny the appeal and grant the permit:

(R-2001- ) RECONSIDERED; CONTINUED TO TUESDAY, MARCH 20,  
2001

Adoption of a Resolution granting or denying the appeal and granting or denying  
Site Development Permit No. 40-0601, with appropriate findings to support  
Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission on December 14, 2000, voted 6 - 0 to approve with the condition that the  
landscape plan be amended to allow pedestrians travel between curb and property line, along the  
property to connect with the natural pathway at the art piece at Goldfinch and Lewis Streets, but  
not at the risk of harming the mature trees; was opposition.

Ayes: Anderson, Skorepa, Steele, Brown, Butler, Stryker  
Recusing: Garcia

The Uptown Community Planning Group on November 7, 2000, voted 10-0-0 to recommend  
approval of the proposed Site Development Permit.

**SUPPORTING INFORMATION:**

This project is located at 906 West Lewis Street, west of Goldfinch Street (a paper street north of  
West Lewis Street), in the Uptown Planning Area. The proposed site is a split-zoned site (MR-  
1000 Zone in a front portion and RS-1-1 Zone in a rear portion). The project is also located  
within the Mid-City Planned District and proposes demolishing a single dwelling unit located on  
the first two of four lots. A lot consolidation from four lots to two and construction of two  
detached dwelling units on the resulting two consolidated lots is also proposed. The project is on  
a 0.22-acre, steeply sloping site and borders on the Multiple Habitat Planning Area (MHPA) to  
the north of the project site.

**FISCAL IMPACT:**

None.



All costs associated with processing this project are recovered from a separate deposit provided by the applicant.

Loveland/Christiansen/MED

**LEGAL DESCRIPTION:**

The project is located at 906 W. Lewis Street, west of Goldfinch Street (a paper street north of Lewis Street) in the Uptown Planning Area. The proposed site is a split-zoned site (MR-1000 Zone in front and RS-1-1 Zone in the rear.) The project is on a 0.22-acre, steeply sloping site and borders on the Multiple Habitat Planning Area (MHPA) to the north. The project site is more particularly described as Lots 13-16, Block 35, within the Arnold & Choates Subdivision, Map No. 334.

**NOTE:** This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15303-3, New Construction or Conversion of Small Structures.

**FILE LOCATION:** PERM-40-0601 (65)

**COUNCIL ACTION:** (Tape location: C223-232; D020-036.)

Hearing began at 11:51 a.m. and halted at 11:52 a.m.

MOTION BY WEAR TO ADOPT THE RESOLUTION DENYING THE APPEAL AND GRANTING THE PERMIT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

Hearing resumed at 2:07 p.m. and halted at 2:10 p.m.

MOTION BY STEVENS TO WAIVE COUNCIL POLICY 000-06. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

MOTION BY STEVENS TO RECONSIDER THIS ITEM, AND TO CONTINUE TO TUESDAY, MARCH 20, 2001, TO ALLOW FOR PROPER NOTICING. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-334: City Heights Mixed Use Project.

Matter of approving, conditionally approving, modifying or denying a Site Development Permit, Planned Development Permit, Parcel Map, and Street Vacation to demolish existing buildings and construct a mixed-use office/retail/apartment project on property bounded by 43<sup>rd</sup> Street, University Avenue, Fairmount Avenue, and Wightman Street, and is located within the City Heights Community Plan area. The project site is 3.24 acres and is zoned CU-2-5. The proposed project includes a 6-story, approximately 125,000 square foot office/retail building, a 4-story parking structure, and 116 multi-family residential units over underground parking.

(SDP/PDP/PM/SV-40-0683. City Heights Community Plan area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution in subitem A; adopt the resolution in subitem B to grant the map and street vacation; and adopt the resolution in subitem C to grant the permit:

Subitem-A: (R-2001-1160 ) CONTINUED TO MONDAY, MARCH 5, 2001

Adoption of a Resolution certifying that the information contained in the final documents, including any comments received during the public review process, have been reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of the land use actions for the City Heights Mixed Use Project.

Subitem-B: (R-2001-1161 ) CONTINUED TO MONDAY, MARCH 5, 2001

Adoption of a Resolution granting or denying the MAP and the consolidation of land shown thereon is approved and accepted; and the Council accepts on behalf of the public; the following: that portion of an unnamed alley, 43<sup>rd</sup> Street, Fairmount Avenue, and University Avenue, and together with all appurtenances thereto, and dedicated to the public use, as dedicated and shown on the MAP and subject to the conditions set forth on the MAP; the Council finds that a portion of an alley on Block 47 of the amended map of City Heights, according to Map thereof No. 1003, is no longer needed for the public purpose for which it was

dedicated and is vacated, and is not shown within this MAP pursuant to Section 66445(j) of the State Subdivision Map Act; this Resolution shall not become effective unless and until the existing water and sewer facilities within the proposed street vacation shall be abandoned satisfactorily to the City Engineer; this Resolution shall not become effective unless and until the facilities of San Diego Gas and Electric, Pacific Bell, and Cox Cable within the proposed alley vacation shall be relocated satisfactorily to the respective agencies; this Resolution shall not become effective unless and until the existing alley openings shall be replaced with standard curb, gutter and sidewalk satisfactorily to the City Engineer.

Subitem-C: (R-2001- ) CONTINUED TO MONDAY, MARCH 5, 2001

Adoption of a Resolution granting or denying Site Development Permit/Planned Development Permit No. 40-0683.

**OTHER RECOMMENDATIONS:**

Planning Commission voted 6-0 to approve; no opposition.

Ayes: Anderson, Brown, Butler, Stryker, Garcia, Steele

Not present: Skorepa

The City Heights Community Planning Group has recommended approval of this project.

**SUPPORTING INFORMATION:**

This is a request for a Site Development Permit, Planned Development Permit, Parcel Map, and Street Vacation to demolish existing buildings and to construct a mixed-use office/retail/housing project on a 3.24 acre site bounded by University Avenue, Fairmount Avenue, Wightman Street, and 43<sup>rd</sup> Street in the City Heights Neighborhood of the Mid-City Communities Plan area. The City Heights Mixed Use project is a redevelopment project that includes construction of a six-story, 125,000 square-foot office/retail building, with attached 4-story parking garage, and development of 116 rental townhome units in 12, four-story buildings over below-grade parking. Community Planning Group Recommendation: The City Heights Community Planning Group voted 8:1:0 to recommend approval of the project on September 7, 2000.

Planning Commission Recommendation: On February 1, 2001, the Planning Commission voted unanimously (6-0) to recommend City Council approval of the City Heights Mixed Use project.

Manager's Recommendation: State for the record that the final EIR and final FONSI/MND have been reviewed and considered prior to approving the project and direct the City Clerk to file a

Notice of Determination. Approve Site Development Permit, Planned Development Permit, Parcel Map, and Street Vacation No. 40-0683.

**Traffic Statement:**

The proposed project is expected to generate approximately 3,756 average weekday trips (ADT). The previously existing uses on this site were estimated to generate 5,628 average weekday trips (ADT). The proposed project would therefore generate 1,872 fewer average weekday trips than the previously existing uses. Therefore, due to demolition of the existing uses on the site, this project would not add any additional trips to the adjacent and nearby freeway and road facilities.

**FISCAL IMPACT:**

Fiscal impacts of this redevelopment project were identified in the Disposition and Development Agreement (DDA) for the City Heights Urban Village Town Homes and Office Center, approved by Resolution R-293155 on May 16, 2000. All Development Services Department processing costs associated with this project are recovered by a deposit account funded by the applicant.

Loveland/Christiansen/VG

**LEGAL DESCRIPTION:**

The project site is legally described as being a consolidation of Lots 1-22 inclusive, 27-43 inclusive, portions of Lots 44-48 inclusive all in Block 47 of the amended map of City Heights, according to map thereof No. 1007 filed in the Office of the County Recorder of San Diego County on October 3, 1906, and Parcel "A" of Parcel Map No. 814, filed in the Office of the County Recorder of San Diego County on May 4, 1972, as File No. 112543, all in the City of San Diego, County of San Diego, together with a portion of the 20' wide alley as vacated.

**ENVIRONMENTAL IMPACT:**

The City of San Diego as Lead Agency under CEQA has reviewed and considered a Final Environmental Impact Report, (City Heights Redevelopment Project) dated April 13, 1992 (Adopted April 28, 1992 by Resolution R-279878), and a Findings of No Significant Impact/Mitigated Negative Declaration (FONSI/MND) LDR-96-0135BG, dated March 11, 1996 (Adopted April 2, 1996 by Resolution R-287147) covering this activity.

**FILE LOCATION:** SUBITEMS A, B, & C: PERMI-40-0683 (65)

**COUNCIL ACTION:** (Tape location: A333-339.)

MOTION BY ATKINS TO CONTINUE TO MONDAY, MARCH 5, 2001, AT THE REQUEST OF THE CITY MANAGER TO ALLOW TIME TO MAKE CHANGES TO THE PARCEL MAP. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-335: Issuance of Multifamily Housing Revenue Bonds for Projects with Previous Related Actions (Summit Crest Apartments).

(See San Diego Housing Commission Report HAR-01-002. Southcrest Community Area. District-4.)

**SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1048 Cor. Copy)      ADOPTED AS RESOLUTION R-294603

Approving the issuance of bonds not to exceed \$4,200,000 aggregate principal amount by the Housing Authority of the City of San Diego for the Summit Crest Apartments, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

FILE LOCATION:                      MEET

COUNCIL ACTION:                      (Tape location: C265-270.)

Hearing began at 11:55 a.m. and halted at 11:56 a.m.

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-336: Issuance of Multifamily Housing Revenue Bonds for New Projects (Island Village Apartments).

(See San Diego Housing Commission Report HAR-01-001. Centre City Community Area. District-8.)

**SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1052 Cor. Copy)      ADOPTED AS RESOLUTION R-294604

Approving the issuance of bonds not to exceed \$13,000,000 aggregate principal amount by the Housing Authority of the City of San Diego for the Island Village Apartments, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

FILE LOCATION:                      MEET

COUNCIL ACTION:                      (Tape location: C265-270.)

Hearing began at 11:55 a.m. and halted at 11:56 a.m.

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-337: Issuance of Multifamily Housing Revenue Bonds for New Projects (Torrey Highlands Apartments).

(See San Diego Housing Commission Report HAR-01-001. Rancho Penasquitos Community Area. District-1.)

**SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1049 Cor. Copy) ADOPTED AS RESOLUTION R-294605

Approving the issuance of bonds not to exceed \$5,500,000 aggregate principal amount by the Housing Authority of the City of San Diego for the Torrey Highlands Apartments, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C265-270.)

Hearing began at 11:55 a.m. and halted at 11:56 a.m.

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-338: Issuance of Multifamily Housing Revenue Bonds for New Projects (Pacific Cove Apartments).

(See San Diego Housing Commission Report HAR-01-001. City Heights Community Area. District-7.)

**SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1051 Cor. Copy 2) ADOPTED AS RESOLUTION R-294606

Approving the issuance of bonds not to exceed \$3,300,000 aggregate principal amount by the Housing Authority of the City of San Diego for the Pacific Cove Apartments pursuant to Section 147(f) of the Internal Revenue Code of 1986.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C265-270.)

Hearing began at 11:55 a.m. and halted at 11:56 a.m.

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

\* ITEM-S400: Nominations for Appointments to the Board of Port Commissioners.

(See Memorandum from Mayor Murphy dated 2/16/2001.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1184)            ADOPTED AS RESOLUTION R-294607

Appointing Peter Janopaul and reappointing Patricia A. McQuater to the San Diego Unified Port District Board of Commissioners for terms ending January 2, 2005.

FILE LOCATION:            MEET

COUNCIL ACTION:            (Tape location: A340-580.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

NON-DOCKET:

None.



**ADJOURNMENT:**

The meeting was adjourned by Mayor Murphy at 4:05 p.m. in honor of the memory of:

Barbara Ann Payne as requested by Council Member Madaffer; and Martin Paul  
Cassell as requested by Council Member Maienschein.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: F449-550.)